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*Attorneys for Defendant Actelion
Pharmaceuticals US, Inc.*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

MSP RECOVERY CLAIMS, SERIES
LLC, a Delaware series limited liability
company; MSPA CLAIMS I. LLC, a
Florida limited liability company; MSP
Recovery Claims Series 44, LLC, a
Delaware series limited liability company;
MSP Recovery Claims PROV, Series LLC,
a Delaware series limited liability
company; and MSP Recovery Claims
CAID, Series, LLC, a Delaware series
limited liability company; on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ACTELION PHARMACEUTICALS US,
INC., a Delaware corporation; CARING
VOICE COALITION, INC., an Idaho non-

Case No. 3:22-cv-07604-JSC

**JOINT STIPULATION TO EXTEND TIME
TO FILE MOTION TO DISMISS THE
AMENDED COMPLAINT, SET BRIEFING
SCHEDULE, AND EXTEND BRIEF PAGE
LIMITATIONS; ~~PROPOSED~~ ORDER**

Judge: Judge Jacqueline Scott Corley

1 profit corporation; and ADIRA
2 FOUNDATION, a Virginia non-profit
3 corporation,

4 Defendants.

5 Pursuant to Civil Local Rule 7-12, Defendant Actelion Pharmaceuticals US, Inc.
6 (“Actelion”) and Plaintiffs MSP Recovery Claims, Series LLC, MSPA Claims 1, LLC, MSP
7 Recovery Claims Series 44, LLC, MSP Recovery Claims PROV, and MSP Recovery Claims
8 CAID, Series, LLC (collectively, “Plaintiffs”), hereby stipulate and request as follows:

10 1. On December 2, 2022, Plaintiffs filed their Class Action Complaint against
11 Defendants (Dkt. 1). Plaintiffs served summons to Defendant Actelion on December 13, 2022
12 (Dkt. 6); to Defendant Caring Voice Coalition, Inc. on December 8, 2022 (Dkt. 7); and to
13 Defendant Adira Foundation on December 8, 2022 (Dkt. 8).

14 2. On January 3, 2023, Actelion and Plaintiffs submitted a joint stipulation with
15 respect to the briefing schedule and page limits for Actelion’s planned motion to dismiss
16 Plaintiffs’ Complaint. The parties proposed limits of 40 pages for Actelion’s opening brief, 47
17 pages for Plaintiffs’ responding brief, and 22 pages for Actelion’s reply. The parties explained
18 that these page extensions were appropriate due to the Complaint’s length (76 pages), and the
19 complexity of the legal and factual issues therein, including class-action claims across a dozen
20 state and federal jurisdictions and the assertion of claims allegedly assigned to Plaintiffs by
21 numerous third-party assignees.
22

23 3. On January 19, 2023, this Court granted the parties’ joint stipulation regarding
24 briefing schedule and page limit extensions.
25

26 4. On February 3, 2023, Actelion filed its motion to dismiss Plaintiffs’ Complaint.
27 (Dkt. 33).
28

1 5. On February 24, 2023, Plaintiffs filed their Amended Class Action Complaint
2 against Defendants. (Dkt. 38).

3 6. The Amended Class Action Complaint is 105 pages in length, as compared with
4 the original Complaint's 76 pages. It adds a new cause of action for common-law fraud and
5 invokes a number of new statutes as predicate violations for Plaintiffs' RICO claims, including
6 criminal statutes of seven states and Section 5 of the Federal Trade Commission Act. The
7 Amended Complaint also adds eight new exhibits, one of which (Exhibit 46) consists of five
8 assignment agreements to which Plaintiffs refer in their standing allegations.
9

10 7. Actelion now intends to file a motion to dismiss Plaintiffs' Amended Complaint as
11 the Complaint pertains to Actelion.

12 8. Given the Complaint's increased length, the addition of new claims, predicate acts,
13 and exhibits, and the complexity of the legal and factual issues, Plaintiffs and Actelion jointly
14 propose the following briefing schedule:
15

- 16 • Actelion shall move to dismiss Plaintiffs' Amended Complaint on or before April
17 7, 2023.
- 18 • Plaintiffs shall file their opposition to Actelion's motion to dismiss on or before
19 June 2, 2023.
- 20 • Actelion shall file its reply in support of the motion to dismiss on or before June
21 23, 2023.
- 22

23 9. In addition, for the aforementioned reasons, Actelion and Plaintiffs request that the
24 Court permit their briefs to exceed the page limitations generally applicable pursuant to Civil L.R.
25 7-4. Actelion and Plaintiffs submit that, because the Amended Complaint contains more pages,
26 counts, RICO predicate violations, and exhibits than the original Complaint, page limits greater
27 than those that the Court previously approved (*i.e.*, 40 / 47 / 22) are warranted. Accordingly,
28

1 Actelion and Plaintiffs propose the following page limitations for the briefing of Actelion's
2 motion to dismiss the Amended Complaint:

- 3 • Actelion's opening brief shall not exceed 50 pages.
- 4 • Plaintiffs' opposition brief shall not exceed 63 pages.
- 5 • Actelion's reply brief shall not exceed 28 pages.

6
7 10. Counsel for Actelion and Plaintiffs have conferred and agreed to these requests.

8
9 IT IS SO STIPULATED.

10
11 Dated: March 13, 2023.

Respectfully submitted,

12
13 By: /s/ Shereef H. Akeel

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Pharmaceuticals US, Inc.*

~~PROPOSED~~ ORDER

Pursuant to stipulation and with good cause shown, Defendant Actelion Pharmaceuticals US, Inc.'s time to file its motion to dismiss Plaintiffs' Amended Complaint (Dkt. 38) is extended until April 7, 2023. Plaintiffs shall file their opposition to Actelion's motion to dismiss on or before June 2, 2023, and Actelion shall file its reply in support of its motion to dismiss on or before June 23, 2023. Actelion's motion to dismiss shall not exceed 50 pages. Plaintiffs' opposition thereto shall not exceed 63 pages. Actelion's reply in support of its motion to dismiss shall not exceed 28 pages. The hearing on the motion will be July 6, 2023 at 10:00 a.m. in Courtroom 8 in San Francisco.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 13, 2023

